

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 17, 2010. Claims 1 to 11 and 13 to 15 are pending in the application, of which Claims 1, 10, 14 and 15 are independent. Reconsideration and further examination are respectfully requested.

Claims 13 and 14 were rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In particular, the Office Action alleges that the claimed computer-readable storage media are directed to transitory subject matter.

This rejection is traversed. In particular, the specification was previously amended to clearly differentiate between a “computer-readable storage medium”, as claimed, and transmission media which may arguably be transitory, such as radio transmission channels. See Amendment dated September 19, 2008.

Consistent with the specification, the specification recites non-transitory media such as a CD-ROM or a hard disk drive. Furthermore, the specification is not seen to disclose that any of the storage media are transitory.

Moreover, the rejected claims are directed to a “computer-readable storage medium” and not to a “computer-readable medium”. Thus, Claims 13 and 14 cannot reasonably be interpreted to cover a transitory medium, since a transitory medium does not include the possibility of “storage”, as specified in Claims 13 and 14 .

Accordingly, even when given their broadest reasonable interpretation consistent with the specification and the claim language, it is not understood how the

claimed storage media are interpreted as “transitory”, or somehow susceptible to a rejection under § 101.

Nevertheless, without conceding the correctness of the rejection and solely in an effort to expedite prosecution, Claims 13 and 14 have both been amended to recite a “non-transitory computer-readable storage medium”. Withdrawal of the rejection is therefore respectfully requested.

No other matters being raised, the entire application is believed to be in condition for allowance, and such action is courteously solicited.

Applicants’ undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted

/Michael J. Guzniczak/
Michael J. Guzniczak
Attorney for Applicants
Registration No. 59,820

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200